



**Virginia  
Regulatory  
Town Hall**

**Notice of Intended Regulatory Action  
Agency Background Document**

<b>Agency Name:</b>	Virginia Board for Asbestos, Lead and Home Inspectors
<b>VAC Chapter Number:</b>	18 VAC 15-40
<b>Regulation Title:</b>	Certified Home Inspectors Regulations
<b>Action Title:</b>	Notice of Intended Regulatory Action
<b>Date:</b>	May 14, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

**Purpose**

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The Acts of the 2001 General Assembly by House Bill 2174 (HB 2174) created a regulatory program to administer certified home inspectors. The Bill assigned the regulatory program to the Virginia Board for Asbestos and Lead; changed the Board's name to the Virginia Board for Asbestos, Lead and Home Inspectors; and changed the Board's membership to reflect the new program. HB 2174 assigned the administration and support of the certified home inspectors to the Department of Professional and Occupational Regulation. The new Board comes into effect on July 1, 2001 and is mandated to adopt final regulations on or before July 1, 2003. This will be the first set of regulations for certified home inspectors. There are no existing regulations to amend.

The NOIRA will solicit public comment on all areas of possible regulation with emphasis on the following areas:

- 1) Definitions of terms to be used in the regulations;
- 2) Entry standards for those seeking to practice as a certified home inspector;
- 3) Renewal standards for regulants;
- 4) Standards of practice and conduct;
- and 5) Grounds for disciplinary action against regulants.

## Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

The Board's authority to promulgate regulations for certified home inspectors may be found in § 54.1-501 of the Code of Virginia which shall be effective on July 1, 2001. This section of the Code mandates the Board to promulgate regulations for certification of home inspectors concerning qualifications of home inspector applicants, examination of applicants and proper conduct of certified home inspectors.

## Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

These regulations are necessary to implement Acts of the 2001 General Assembly by HB 2174 and to create the regulatory program therein mandated to protect the health, welfare and safety of the public when dealing with persons practicing as certified home inspectors.

The following issues will be addressed as the regulation is developed:

- 1) Definitions of terms to be used in the regulations;
- 2) Entry standards for those seeking to practice as a certified home inspector;
- 3) Renewal standards for regulants;
- 4) Standards of practice and conduct; and
- 5) Grounds for disciplinary action against regulants.

## Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

This is the initial regulation promulgation activity for the Acts of the 2001 General Assembly, the Bill mandates the regulation, and no alternatives have been identified to evaluate. The Department of Professional and Occupational Regulation and the Virginia Board for Asbestos,

Lead and Home Inspectors will carefully weigh all information coming into its possession with the objective of developing regulations which intrude as little as possible into the conduct of commerce by the regulated community and have the least adverse impact on the public.

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

No impact on families in Virginia has been identified as resulting from the proposed regulations.